

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Christopher J. Owens
329 West Marion Street
Johnsonville, South Carolina 29555

File Number 2003-105311 & 106699

**Default Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2002), by the State of South Carolina Department of Insurance upon Christopher J. Owens, a licensed South Carolina resident insurance agent, by both certified mail, return receipt requested, and by regular mail on June 13, 2003.

That letter informed Christopher Owens of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Mr. Owens has failed to respond to the Department's letter. Mr. Owens has failed to provide the Department with a current telephone number in violation of S.C. Code Ann. § 38-43-107 (1989), and the United States Postal Service returned as unclaimed the letters sent by the Department. On July 23, 2003, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for American National Insurance Company and for American General Life Insurance Company, Christopher Owens failed to forward to said insurers certain amounts of monies in concept of premiums he had received from various consumers. These acts, as alleged, are a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 2002). That Code section provides that "the director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has willfully deceived or dealt unjustly with the citizens of this State." This Code section goes on in Subsection (3) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent or one of his employees has received payment from a customer or insured or someone on his behalf or when it has been financed by the agent..."

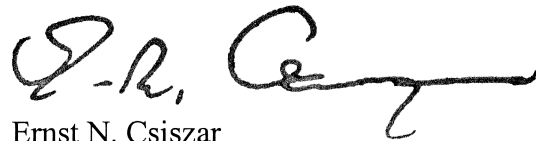
In accordance with my findings of fact, and considering Christopher Owens's complete refusal to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that he willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130(3) (Supp. 2002), and that his license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2002).

It is therefore ordered that Christopher J. Owens's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this Order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Mr. Owens is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

23 July 2003 at
Columbia, South Carolina

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Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

The Department served notice on Christopher J. Owens at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance agent within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2002), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." The Notice further informed Christopher J. Owens of his opportunity, within thirty days, to request in writing a public hearing.

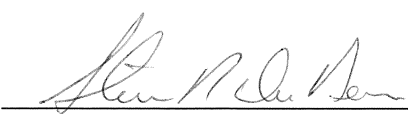
The Department mailed the Notice by certified mail, return receipt requested, and by regular mail, on or about June 13, 2003. The United States Postal Service notified Mr. Owens of the certified letter, at least on 6-14-03 and 6-30-03. See "Exhibit A" attached. The United States Post Office at Johnsonville, S.C. then returned the certified letter to the Department, having marked it as "Unclaimed." The Notice sent via regular mail was not returned.

Christopher Owens has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.


T. Douglas Concannon
Associate General Counsel

Sworn to and subscribed before me
this 24th day of July, 2003.

South Carolina Department of Insurance
Post Office Box 100105
Columbia, South Carolina 29202
(803) 737-6132


Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires: August 14, 2008 May 10, 2009